

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

ENVIROCAP L L C * CIVIL ACTION NO. 13-0133

VS. * JUDGE DOHERTY

**CONTINENTAL CASUALTY CO. INC.,* MAGISTRATE JUDGE HILL
ET AL**

MEMORANDUM ORDER

The Motion to Dismiss for Failure to State a Claim [record Doc. 42] was heard on June 19, 2013. In the amended complaint filed by plaintiffs [record Doc. 22], the plaintiffs asserted that jurisdiction in this Court was proper because this case is “related to” a case pending in the Bankruptcy Court of the Western District of Louisiana, to wit, *In re Bodin Oil Recovery, Inc.*, Case Number 12-51540.

Federal bankruptcy jurisdiction is granted to the district courts. 28 U.S.C. §1334 (b). Federal District courts have original and exclusive jurisdiction over cases brought pursuant to Title 11 of the United States Code. District courts also have jurisdiction for proceedings “related to” a case under Title 11. Counsel agree that this case is “related to” the *Bodin Oil Recovery* case under binding Fifth Circuit precedent. See *Matter of Wood*, 825 F. 2d 90, 93 (5th Cir. 1987).

This Court's Standing Order 1.32 provides for automatic referral to the bankruptcy court of cases related to a pending bankruptcy case. That is precisely what we have here.

Accordingly, for this reason and for those reasons stated in open court on June 19, 2013;

IT IS ORDERED this case is hereby **REFERRED** to the United States Bankruptcy Court.

IT IS FURTHER ORDERED that this Order is **STAYED** for ten (10) days from the date hereof to allow the parties to appeal to Judge Doherty. If no party appeals this ruling, this order becomes immediately executory on the 11th day following the signing of this order.

The undersigned **PRETERMINES** ruling on the Motion to Dismiss Plaintiff's Amended Complaint filed by defendant, Brown & Brown of Louisiana, LLC [rec. doc. 42], reserving defendant's right to reurge the motion before the Bankruptcy Court.

Signed June 25, 2013, at Lafayette, Louisiana.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE